

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 777 in manner and form as follows:

AMENDMENT TO SENATE BILL 777

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 777 on page 2, line 1, after "government", by inserting ", including a home rule unit,"; and

on page 2, by replacing lines 15 through 20 with the following:

"provides services or facilities focusing primarily on cardiovascular exertion as defined by Department rule.

(b) "Physical fitness facility" does not include a facility serving less than a total of 100 individuals, as further defined by Department rule. In addition, the term does not include a"; and

on page 2, by replacing line 26 with the following:

"(a) Before January 1, 2005, each person or entity, including a home rule unit, that"; and

on page 3, line 4, after "entity", by inserting ", including a home rule unit,"; and

on page 4, by deleting lines 1 through 12; and

on page 4, by replacing lines 24 through 32 with the following:

"subsection (a) or (b) of Section 15, the Director may issue to the facility a written administrative warning without monetary penalty for the initial violation. The facility may reply to the Department with written comments concerning the facility's remedial response to the warning. For subsequent violations, the Director may impose a civil monetary penalty against the facility as follows:

(1) At least \$1,500 but less than \$2,000 for a second violation.

(2) At least \$2,000 for a third or subsequent violation.

(b) The Director may impose a civil monetary penalty under this"; and

on page 5, below line 16, by inserting the following:

"(d) The fines shall be deposited into the Physical Fitness Facility Medical Emergency Preparedness Fund to be appropriated to the Department, together with any other amounts, for the costs of administering this Act."; and

on page 6, after line 20 by adding the following:

"Section 55. Home rule. A home rule unit must comply with the requirements of this Act. A home rule unit may not regulate physical fitness facilities in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 75. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Physical Fitness Facility Medical Emergency Preparedness Fund."; and

by deleting page 6, line 28 through page 46, line 6.

Date: _____ , 2003 _____